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W.P.No.22631 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.22631 of 2023**

**and**

**W.M.P.No.22080 of 2023**

M/s. DSR Sons India Engineers Private Limited,  
No.49, 1<sup>st</sup> Floor, HIG, NH-1, Vallal MGR Street,  
Maraimalai Nagar,  
Chengalpattu District,  
Rep. by its  
Managing Director,  
D.S.Ravee Kumar

... Petitioner

vs.

- 1.The Commissioner,  
Greater Chennai Corporation,  
Rippon Building,  
Chennai – 600 003.
- 2.The Chief Engineer (General),  
Greater Chennai Corporation,  
Rippon Building, Chennai – 600 003.
- 3.The Superintending Engineer,  
Bus Route Roads Department,  
Amma Maligai,  
Greater Chennai Corporation,  
Chennai – 600 003.



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4.The Executive Engineer (BRR),  
Bus Route Roads Department,  
Corporation of Chennai, Amma Maligai,  
Chennai – 600 003.

5.Mr.N.Victor Ganaraj,  
Executive Engineer (BRR),  
Bus Route Roads Department,  
Corporation of Chennai, Amma Maligai,  
Chennai – 600 003.

6.The National Informatics Centre,  
Tamil Nadu State Centre,  
Rajaji Bhavan Complex,  
3<sup>rd</sup> Avenue, Thiruvalluvar Nagar,  
Besant Nagar,  
Chennai – 600 090.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from rejecting the bids of the petitioner on the ground of non-production of current machinery certificate for the following tenders viz.,

- 1) BRR. C. No. B4/3404/2023 (8)
- 2) BRR. C. No. B4/3404/2023 (9)
- 3) BRR. C. No. B4/3424/2023 (13)
- 4) BRR. C. No. B4/3424/2023 (14)
- 5) BRR. C. No. B4/3424/2023 (19)
- 6) BRR. C. No. B4/3424/2023 (26)
- 7) BRR. C. No. B4/3424/2023 (31)
- 8) BRR. C. No. B4/3424/2023 (43)



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- 9) BRR. C. No. B4/3424/2023 (53)  
10) BRR. C. No. B4/3424/2023 (54)  
11) BRR. C. No. B4/3424/2023 (59)  
12) BRR. C. No. B4/3424/2023 (61)  
13) BRR. C. No. B4/3424/2023 (65)

all on the file of the 3<sup>rd</sup> respondent which was uploaded dated 15.07.2023 and 17.07.2023 and direct the respondents to process the tenders of the petitioner based on the machinery certificate already issued to the petitioner.

For Petitioner : Mr.S.Doraiswamy

For R1 to R5 : Mr.J.Ravindran  
Additional Advocate General-IX  
Assisted by Mr.D.B.R.Prabhu  
Standing Counsel for GCC

### **ORDER**

The present writ petition is filed seeking a Writ of Mandamus forbearing the respondents 1 to 3 for rejecting the bids of the petitioner on the ground of non-production of current machinery certificate.

2. According to the petitioner, it is a State Level Class-I Contractor.  
The 3<sup>rd</sup> respondent herein issued a Tender notification for laying roads in



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Chennai Corporation. As per the tender notification, the bid must be submitted on or before 20.07.2023 upto 3.00 p.m and it may be opened on 21.07.2023 at 3.30 p.m. Later, the last date was extended upto 27.07.2023. The time for opening the tender is fixed on 28.07.2023 at 3.00 p.m.

3. The petitioner is owning all the machineries mentioned in Clause -7 of the tender. The petitioner approached the respondents 1 to 4 on 21.07.2023 with a request for issue of machinery certificates for participating in the tender. However, the office of the respondents 1 to 4 refused to receive the request of the petitioner. Therefore, the petitioner sent a request by way of registered post acknowledgment due on 21.07.2023 itself and it was received by them on 26.07.2023. Thereafter, the 3<sup>rd</sup> respondent sent an e-mail to the petitioner on 26.07.2023 at 09:06 p.m., requesting the petitioner to furnish the location of the Central Hot Mix Plant Site and other machineries required for specific work. Immediately, the petitioner sent a reply mail on 26.07.2023 at 10.00 pm to the 3<sup>rd</sup> respondent furnishing the location and address of the plant and machineries at No.75, Panangottur Village, Maraimalai Nagar, Chengalpattu District.



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4. It is the case of the petitioner that inspite of reply by the petitioner giving the details of the location and machineries, the official respondents failed to inspect the machineries and issued necessary machinery certificate. Since the official respondents failed to issue machinery certificate, the petitioner submitted the tender bid with old certificate of the year 2019. The learned counsel for the petitioner submitted that since the petitioner failed to produce new certificate, there is danger of its bids being rejected by the official respondents. Therefore, the necessary direction shall be issued to the official respondents to consider the application of the petitioner with old certificate.

5. Mr.J.Ravindran, learned Additional Advocate General-IX assisted by Mr.D.B.R.Prabhu, learned Standing Counsel takes notice for respondents 1 to 5, on instructions, submitted that the 4<sup>th</sup> respondent is ready to conduct inspection of the machineries of the petitioner tomorrow itself and if the machineries are found in order, necessary machinery certificate would be issued immediately to enable petitioner to produce the same before 3<sup>rd</sup> respondent. The said statement is recorded.



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6. In view of the same, the petitioner is permitted to participate in the tender bid. The bid of the petitioner shall also be taken into consideration by the official respondents, subject to the condition the petitioner shall produce the machinery certificate on or before 01.08.2023.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**28.07.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
dm

**Note: Issue order copy on 28.07.2023.**



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To

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Chennai – 600 003.
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Corporation of Chennai, Amma Maligai,  
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**S.SOUNTHAR, J.**

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